

Issued February 6, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1904.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF COVE OYSTERS.

On April 9, 1912, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 cases, each containing 24 cans of cove oysters, remaining unsold in the original unbroken packages and in possession of the C. D. Milligan Grocer Co., a corporation, Springfield, Mo., alleging that the product had been shipped on or about December 26, 1911, by the Barataria Canning Co., Biloxi, Miss., and transported from the State of Mississippi into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Seminole Brand Cove Oysters Packed at Biloxi, Miss. Seminole Brand Cove Oysters Barataria Canning Co., Biloxi, Miss."

Adulteration of the product was alleged in the libel for the reason that it was represented and stated on the labels upon the product that the cans, and each of them, contained cove oysters, whereas in truth and in fact they contained a product consisting of 14 per cent of oyster meat and 86 per cent of water, and that there had been substituted for the product 86 per cent of water, so that the quality and strength of the product as food for human consumption had been reduced and lowered. Misbranding was alleged for the reason that it was represented and stated upon the labels upon the product that the cans contained cove oysters, whereas the product consisted of 14 per cent of oyster meat and 86 per cent water, which said label and brand deceived and misled the purchaser into the belief that the product consisted of cove oysters, whereas it consisted of but 14 per cent of oyster meat and 86 per cent of water.

On June 5, 1912, the said Barataria Canning Co., claimants, having admitted the averments of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be released and delivered to the said claimant upon payment of the costs of proceedings and the execution of bond in the sum of \$1,000 in conformity with section 10 of the Act.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *November 6, 1912.*

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